

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MICHAEL THOMAS DAVITT,  
Petitioner,  
v.

Case No. 3:22-cv-00355-LRH-CLB

**ORDER DISMISSING ACTION  
WITHOUT PREJUDICE**

WASHOE COUNTY JAIL,  
Respondent.

This action was initiated on August 8, 2022, by Michael Thomas Davitt, a pretrial detainee in the Elko County, Nevada, jail. On that date, the Court received from Davitt a four-page document entitled “Pre-Trial, ‘Writ of Habeas Corpus’” (ECF No. 1-1). The Court treats Davitt’s August 8 filing as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, as Davitt states that he is a pretrial detainee.

In his petition, Davitt complains that he has, while in pretrial detention, for 33 days, been denied a telephone call “to secure a cash bond for purpose of posting it” and a telephone call “to the office of the Public Defender to have a charge of intimidating a police officer dismissed for failing to secure a warrant to draw Petitioner’s blood, upon a refusal to voluntarily allow the Elko Co. jail to [do] so.” *Id.* at 1–3. Davitt provides no further detail about his claims.

Davitt’s petition is not on the form for a § 2241 petition provided by this Court, and it is lacking information necessary for this Court to screen the petition and conduct further proceedings with respect to it.

Furthermore, Davitt did not pay the filing fee for this action and he did not file an application to proceed *in forma pauperis*. See Local Rules LSR 1-1, 1-2, 1-3, 1-4, 1-5, 1-6.

1 For these reasons, the Court will summarily dismiss this action without prejudice.  
2 If Davitt wishes to file a petition for writ of habeas corpus, he must initiate a new action  
3 by submitting a petition for writ of habeas corpus on a proper form, and he must either  
4 pay the \$5 filing fee for the action or submit an application to proceed *in forma pauperis*.  
5 The Court will direct the Clerk of the Court to send Davitt the forms he would need to do  
6 so. As this action will be dismissed and closed, new filings submitted by Davitt to initiate  
7 a new habeas corpus action should not bear the case number of this action.

8 **IT IS THEREFORE ORDERED** that this action is **DISMISSED WITHOUT**  
9 **PREJUDICE.**

10 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to enter  
11 judgment accordingly and close this case.

12 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to send  
13 Petitioner two copies of the form for a Petition for Writ of Habeas Corpus Pursuant to  
14 28 U.S.C. § 2241, and two copies of the form for an Application to Proceed *in Forma*  
15 *Pauperis* by an Inmate.

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17 DATED THIS 10th day of August, 2022.

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20 LARRY R. HICKS  
21 UNITED STATES DISTRICT JUDGE  
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